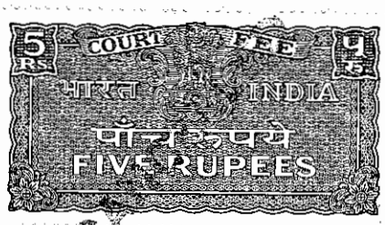


(4)

SINGLE BENCH

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# IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

## W.P. (C) No. 1219 / 2007

**Petitioner** : Jagdeo Singh Thakur, S/o Raghunath Singh Thakur, Aged about 66 years, R/o Dondi Lohara, Distt. Durg (C.G.)

***VERSUS***

**Respondents** :

1) Smt. Sunder Bai, Widow of Champalal Jain

2) Deepchand, S/o Late Champalal Jain.

3) Todarmal, S/o Late Champalal Jain.

4) Bhagchand, S/o Late Champalal Jain.

5) Lunkaran, S/o Late Champalal Jain.

6) Santosh, S/o Late Champalal Jain.

(All R/o Tahsil Dondi Lohara, Near Nagar Panchayat, Dondi Lohara, Distt. Durg (C.G.)

7) Smt.Dhelabai, W/o Mahavir Sancheti, R/o Shanichari Bazar, Durg, Tahsil and Distt. Durg (C.G.)

8) Smt.Nirmala Bai, W/o. Narendra Baradiya, R/o Sadar Bazar, Dhamtari, Tahsil Dhamtari, Distt. Raipur (C.G.)

9) State of Chhattisgarh Through Tahasildar, Dondilohara Distt Durg, CG

P.R. No. 1155/07
Presented by P.R. Parankar
dated 9/2/07

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## WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA

(77)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (C) No. 1219 of 2007

Petitioner Jagdeo Singh Thakur

Versus

Respondents Smt. Sunder Bai and others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

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Shri P. Diwakar, Senior Advocate with Shri Anoop Majumdar, Advocate and Shri P. R. Patankar, Advocate for the petitioner.

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ORDER

(Passed on this 26th day of February, 2007)

1. The petitioner has filed this petition under Article 227 of the Constitution of India, impugning the order dated 5.2.2007 (Annexure P/8), passed by the Civil Judge, Class-I, Balod, District- Durg in Civil Suit No. 20-A/2005.
2. Learned senior counsel appearing for the petitioner submits that by the impugned order dated 5.2.2007 the trial Court has rejected the application of the petitioner (plaintiff), filed under Order 26 Rule 9 of the Code of Civil Procedure for demarcation of the suit, without considering the application in the light of the observations made in para 8 of the judgment and order dated 19th December, 2006, passed by this Court in Civil Revision No. 1/2006 ( Sunder Bai and Others Vs. Jagdev Singh and another).
3. The subordinate Courts are bound to comply with the law laid down by this Court. It appears that learned Judge has completely ignored the observation of this Court made in the case of Sunder Bai (supra), and has passed the impugned order.
4. Accordingly, the impugned order dated 5.2.2007 is set aside and quashed. Learned trial Court is directed to consider the application of the petitioner filed under Order 26 Rule 9 of the Code of Civil Procedure, in accordance with the observations made by this Court in para -8 of the judgment and order dated 19th December, 2006 in the case of Sunder Bai(supra), before proceeding for disposal of the suit finally.
5. In view of the foregoing, this petition is allowed.

Certified copy, as per Rules.

Sd/-
Satish K. Agnihotri
Judge

Thakur